

Fiscal Services Division

Legislative Services Agency

Fiscal Note

HF 2235 - Guardian Ad Litem Duties (LSB 6416 HV)

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Fiscal Note Version - New

Description

House File 2235 requires a Guardian Ad Litem to visit the residence of the child at least once every 90 days while the child is present in that residence. Current law requires the Guardian Ad Litem visit a child's residence, home, or both, and the prospective home or residence of a child, including each time the child's placement is changed.

The Bill also permits, but does not require, that a court appointed special advocate (CASA) or other qualified person may perform the personal visit duty in lieu of the Guardian Ad Litem.

Background

1. State Public Defender/Indigent Defense pays both travel time (\$50 per hour) and mileage (\$0.30 per mile) for attorneys to perform statutory duties for those who file claims.
2. In FY 2005, the State Public Defender processed 23,599 claims in Child In Need of Assistance (CINA) cases and 2,308 in Termination of Parental Rights cases. Many of these cases involved multiple claims, therefore, it is estimated that approximately one-third of these cases (8,500) were separate cases.
3. The counties pay \$1.2 million for juvenile justice annually and the State pays the remainder of the costs (Section 232.141(3), Code of Iowa).
4. A Guardian Ad Litem does not have to be an attorney.
5. There are Court Appointed Special Advocate (CASA) offices in 64 of Iowa's 99 counties. However, CASA volunteers currently serve as Guardians in the following northwestern counties: Buena Vista, Clay, Cherokee, Ida, Lyon, Monona, Plymouth, Sioux, and Woodbury. The Child Advocacy Board has indicated expanding the CASA Program Statewide to the remaining 35 counties would cost approximately \$400,000.
6. Current CASA policy requires a CASA volunteer to visit a child in their home at least once per month.

Assumptions

1. House File 2235 is anticipated to impact approximately 7,700 cases in which an attorney who is a Guardian would need to perform a visit every 90 days.
2. Nine counties currently use CASA volunteers as Guardian Ad Litem. It is estimated that approximately 800 cases would be handled by CASA.
3. The estimate assumes that one visit is already being completed during a year.
4. Each additional visit would be approximately \$200 per visit or \$600 per case, per year in additional expenses.

Fiscal Impact

The fiscal impact of HF 2235 to the General Fund would be approximately \$2.3 million (if half the attorney Guardian Ad Litem filed a claim) to \$4.6 million (if every attorney Guardian Ad Litem filed a claim).

Sources

Judicial Branch
State Public Defender's Office
Child Advocacy Board

/s/ Holly M. Lyons

February 9, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
